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Letter dated 17 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions of my Government, I would like to draw your attention to a letter addressed to you on 13 March 2002 by the Permanent Representative of Turkey, transmitting a letter from the purported "Representative of the Turkish Republic of Northern Cyprus" to which was annexed a letter of 6 March 2002 from the purported "President of the Turkish Republic of Northern Cyprus", Mr. Denktash. Those letters were circulated as a document of the General Assembly and the Security Council (see A/56/874-S/2002/73).

Mr. Denktash's letter of 6 March 2002 makes various incorrect assertions about "unilateral changes of the provisions for search and rescue (SAR) services within the Nicosia flight information region (FIR)". He claims that these alleged changes ignore International Civil Aviation Organization (ICAO) rules and provisions; that they are contrary to the provisions of the 1960 treaties on Cyprus; that there is no Republic of Cyprus or Government of Cyprus competent to represent the whole island or to extend services, but merely "an administration solely composed of Greeks" and a State, the "Turkish Republic of Northern Cyprus"; and that, moreover, "unilateral handing over" or SAR services contradicts "the political equality of the two sides" and prevailing practical realities and is a negative contribution to what he describes as "ongoing efforts" in a "new process" to establish a "new partnership on the basis of equality".

So far as concerns Mr. Denktash's reiteration of his well-known views as to the "Turkish Republic of Northern Cyprus" (hereinafter "TRNC") and the Republic of Cyprus, it suffices to refer to Security Council resolutions 541 (1983) and 550 (1984), which declared the "TRNC" illegal and invalid and called upon all States to respect the sovereignty, territorial integrity and unity of the Republic of Cyprus. No State apart from the occupying Power, the Republic of Turkey, recognizes the purported "TRNC". Both resolutions call for such non-recognition and have since been reiterated.

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It should be added in respect of Mr. Denktash's assertions about the "TRNC" having authority and providing SAR and other aeronautical services, that ICAO resolutions of 1974, 1975 and 1977 also reaffirm the sovereign responsibility of the Republic of Cyprus. Regrettably, Turkey's subordinate local administration, the "TRNC", through instructions from its services, from time to time endangers air traffic by attempting to interfere in the supervision of air traffic in the Nicosia FIR, whereas this is the exclusive responsibility of the Republic of Cyprus.

So far as concerns there allegedly being a "new process", the current direct talks are being conducted in terms of the Secretary-General's mission of good offices, as stipulated in Security Council resolution 367 (1975) of 12 March 1975 and as further defined by subsequent resolutions, notably resolution 1250 (1999).

The contentions about unilateral changes to the provisions for search and rescue services and breach of the 1960 treaties are equally incorrect. There has been no change to the international responsibilities. Since Cyprus's independence in 1960 and her accession to the Convention on International Civil Aviation, the Republic of Cyprus has been the State authority responsible for search and rescue measures under article 25 of the Convention. Section 9 of annex B to the 1960 Treaty of Establishment merely provided that, subject to their own services for the Sovereign Base Areas having the capacity, the authorities of the United Kingdom of Great Britain and Northern Ireland would make available "search and rescue facilities" for all civil aircraft within the Nicosia FIR. Such services remain available. Further services have been made available by the Government of the Republic of Cyprus as from 1 March 2002. As from that date, the Government's Larnaca Rescue Coordination Centre became the Centre having principal responsibility for SAR operations. The Government of Cyprus, as required under both ICAO and International Maritime Organization procedures, then provided updated information to those bodies (in accordance with their procedures), as to, inter alia, the national authorities responsible, the location of the Rescue Coordination Centres and the search and rescue units.

Cyprus's view as to the scope of the United Kingdom's treaty obligations is shared by the United Kingdom Government. That the treaty commitment relates merely to provision of assistance in search and rescue operations in the Nicosia FIR was stated on 27 March 2002 in the House of Lords by the responsible Secretary of State (see annex).

The United Kingdom added that SAR, being a humanitarian matter, should not affect the ongoing settlement negotiations. Mr. Denktash's letter asserted that the recent humanitarian arrangements "will not contribute positively to the ongoing efforts" for a settlement. If Mr. Denktash genuinely wishes to contribute to a positive outcome of negotiations on the Cyprus problem, he should refrain from making invalid and unjustified complaints and cease the current barrage of correspondence and pamphlets and the extensive propaganda campaign which he and the Republic of Turkey are mounting in all international forums to secure recognition of the "TRNC" and of two States in Cyprus, an outcome in gross breach of article II of the 1960 Treaty of Guarantee.

I should be grateful if my letter in response is likewise circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) George **Kasoulides**
Chargé d'affaires a.i.

Annex to the letter dated 17 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Lords Hansard text for 27 March 2002

Nicosia Flight Information Region: Search and Rescue Responsibility

Lord Kilclooney asked Her Majesty's Government:

> How long the United Kingdom had responsibility for search and rescue services within the Nicosia Flight Information Region: whether responsibility was confirmed in the 1960 Treaties: when it was decided to transfer this responsibility to the Greek Cypriot Government: what has been the reaction of the Turkish Cypriot administration; and whether this decision will facilitate the present talks between Greek and Turkish Cypriot leaders. [HL3230]

Lord Bach: The United Kingdom has provided search and rescue services in the Nicosia FIR since 1960. Our only treaty obligation in this regard is set out in Annex B, Part V. Section 9 of the 1960 Treaty of Establishment, which says that:

> "In so far as the services established for their own use make this possible, the United Kingdom authorities shall make available search and rescue facilities for all civil aircraft within the flight information region administrated from Nicosia."

In recent years the Republic of Cyprus has established its own Rescue Co-ordination Centre (RCC) at Larnaca and introduced capable search and rescue helicopters. They are now much less reliant on UK assistance and we understand that within the last year they have notified relevant aviation and maritime organisations that RCC Larnaca is the lead search and rescue centre for the Nicosia FIR. The UK continues to meet its treaty commitment by making available the Wessex helicopters of 84 Squadron RAF and the RCC Episkopi to assist as required in search and rescue operations in the Nicosia FIR.

SAR is a humanitarian matter. As such it should have no read-across to the ongoing settlement negotiations.